

**H 232 – Bicycle Safety and Traffic Law Study
Committee Meeting #2 Minutes**

September 11, 2015

Traffic Engineering Conference Room 161
NCDOT Mobility and Safety Offices

Committee Members Present: Kevin Lacy, Lauren Blackburn, Jim Westmoreland, James Gallagher, Master Trooper Chris Knox, Steven Goodridge, Fred Burt, Chris O’Keefe, Chuck Hobgood

Members not present: Wes Dickson, Crystal Collins, Mike Montanye

Attendees: Garold Smith, Cathy Smith, Bryan Poole, Robin Pugh

Jim Westmoreland convened the meeting at 10:05 am. Mr. Westmoreland reviewed that the purpose of the committee, as tasked by the General Assembly, is to look at core issues outlined in House Bill 232 and decide if, and how, laws should be revised to increase safety of bicyclists and motorists. He also noted that the focus of the meeting was to go through three presentations which are for the purpose of providing additional context for data and issues, and to compare North Carolina laws to those of other states. The goal of the next committee meeting is to have a framework for recommendations, including draft language that can be reviewed by state legal counsel. During the final meeting, the committee will provide draft recommendations for legislation.

Garold Smith gave a brief overview of the facilitation role and suggested that a more definite process for committee actions be adopted. He suggested a standard parliamentary procedure in which proposed actions are decided upon by a vote of the committee members with the majority vote carrying the action. Votes will be brought to the committee by a motion and a second, and the Committee Chair, Jim Westmoreland, will call for the vote by show of hands. This process will be used for all committee actions, including the approval of meeting minutes, considerations for additional time for presentations/discussion, and recommendations carried forward to the General Assembly.

Minutes for the August 7, 2015 meeting of the committee were unanimously approved following a motion for approval by Steven Goodridge and a second by James Gallagher.

Lauren Blackburn noted that meeting minutes, agendas and other supporting documentation will be posted to the NCDOT website. She asked that committee members refer peers and inquiries to the NCDOT website rather than post committee information on their groups’ websites. This will create a centralized location for meeting materials and avoid confusion for those seeking additional information.

Garold Smith added that his role, as facilitator, is to keep the discussion moving forward and to keep the committee on-track with the work plan. The committee’s key charge is to discuss and make recommendations on the three items specified in House Bill 232. The additional 12 items will be discussed as time allows.

Jim Westmoreland noted that the three presentations on the agenda were for the purpose of providing a data-driven basis for the recommendations rather than anecdotal or opinion-driven information.

Presentation by Lauren Blackburn on Bicycling in North Carolina
(The entire presentation will be posted on the NCDOT website.)

Discussion

Lauren Blackburn informed the committee that cycling events and group rides are growing in popularity in North Carolina. NCDOT has procedures to permit events requiring road closures, such as bicycle races. However, informal group rides do not require permit/approvals because the assumption is that these groups will obey traffic laws and will not be disrupting normal traffic flow.

Chris O’Keefe added that it would be helpful to know how municipalities handle permitting for informal versus formal rides – if they are required or not required. Jim Westmoreland replied by saying that Greensboro has a formal process for permitting formal rides, but does not have a permitting process for informal rides. Fred Burt noted that enforcing county-issued permits can be difficult since many rides are performed in more than one county or may cross jurisdictions.

Presentation by James Gallagher on North Carolina Bicycle Crash Facts and Trends.
(The entire presentation will be posted on the NCDOT website.)

Discussion

Kevin Lacy asked if the number of bicycle-related injuries might be under-reported since there are a variety of injuries that are not traffic-related, such as falls and various injuries suffered by children. MT Chris Knox responded that the incidences of unreported injuries are probably low since medical facilities are required to notify law enforcement whenever a bicycle-related injury is treated.

Presentation by James Gallagher on Bicycle Laws in North Carolina and the U.S.
(The entire presentation will be posted on the NCDOT website.)

Discussion

Jim Westmoreland asked if there is any data that shows a reduction in incidents as a result of changing the law and allowing vehicles to cross the center line in order to pass bicycles. James Gallagher replied that he was not able to locate such specific data.

Steven Goodridge asked if the committee has an attorney who can assist with the issue of requiring bicyclists to carry identification. Lauren Blackburn replied that she will work with the Attorney General’s Office (AG) and will pass on specific ideas/language to the AG for assistance/research, interpretive assistance or case law review/research.

While discussing Vulnerable Road User Protections, Fred Burt noted that the phrase “directed at vulnerable road users” needs to be clarified. He believes the way the definition is currently written leaves the intent of the action – directed versus accidental – up to interpretation.

During the discussion on Formal Group Permitting Regulations, Fred Burt asked about these regulations and cited *N.C. Gen. Stat. § 20-141*. He noted that the term “reasonable” is subjective and up to interpretation. He said that group rides can block driveway access for hours.

James Gallagher noted that he will email to the committee his source reports that include his data.

Presentation by Steven Goodridge on Safe Passing and Operating Abreast.
(The entire presentation will be posted on the NCDOT website.)

Discussion

James Gallagher commented that a recent study shows riding two abreast takes 80% less time for a vehicle to pass than does riding single file. Fred Burt noted that there needs to be more education on riding abreast. Groups riding by his house aren't organized, but ride in a "mob." Jim Westmoreland discussed the value of educating cyclists. He feels that creative notification to cyclists would deter unsafe behavior and encourage self-policing. Mr. Burt added that people disregard the law and wondered how to best get information out to the cyclists. He suggested possibly requiring some type of registration for cyclists. Lauren Blackburn suggested that this information be given to the group at the origin of the ride, such as at the bike shop. Mr. Gallagher added that when he participates in group rides, he will often talk with non-participants and affected publics.

Jim Westmoreland called for a lunch break.

Following the lunch break, Jim Westmoreland reconvened the group to discuss the three topics outlined in House Bill 232. He noted that these discussions will allow the committee to decide if additional research into regulations will be needed. He added that, following the discussion of the three main items, the group could discuss the additional 12 items if time allowed.

(1) How faster-moving vehicles may safely overtake bicycles on roadways where sight distance may be inhibited.

Jim Westmoreland noted that this requirement of H 232 may have originated in the western part of North Carolina. He added that due to the geography of Western NC, there is nothing that can be done to fix sight distance issues. He noted that a subset of the issue may be a discussion about faster moving vehicles and how to address speed differentials. Lauren Blackburn added that lane widths may be limited and that cars can't always overtake bicycles within the same lane. Therefore, the discussion should be focused on passing as this is not necessarily a geographic issue. James Gallagher added that he does not know if relaxing laws regarding crossing a double yellow line will have an impact on safety. Chris O'Keefe questioned the exceptions to crossing the double yellow line. Steven Goodridge noted that the [state] government can't do education on the issue if it is not legal to cross the yellow line. Chris O'Keefe asked if the yellow line exception would be for bicycles only or if it also would apply to other slower-moving vehicles. Jim Westmoreland suggested that this discussion be included in those with the Attorney General's Office. Chris O'Keefe added that he is not a big fan of yellow line exemptions and is a little hesitant about unintended consequences. Kevin Lacy suggested that the committee not view the double yellow line issue in generalized terms, but only in terms of bicycles. He added that he could never vote to dissolve validity of the double yellow line. However, he does have less concern if the exemption is allowed only for the passing of bicycles. James Gallagher added that passing one cyclist is different than passing multiple cyclists. Kevin Lacy added that the burden of proof should not be on law enforcement. He noted that law enforcement officers probably are not pulling over cyclists just because they cross the yellow line – there are likely other factors involved. Jim Westmoreland noted that during the discussion of the issue he had not heard that the problem can be resolved by relaxing the center line law. He reminded the committee to consider other implications if the center line law is relaxed.

Fred Burt asked if the exemption would apply to passing one cyclist or a group. He noted that single cyclists are not generally the problem. Chris O'Keefe noted that he has a problem with relaxing rules.

Steve Goodridge added that the failure mode occurs when a driver who won't cross the center line gets too close to a cyclist. He also mentioned unintended consequences and suggested that the group look at Ohio for data on crashes due to cars crossing the center line. Kevin Lacy noted that Ohio data is not as good as NC data. He is not sure that data will support relaxing center line regulations, but he agrees with Steven Goodridge that the issue needs to be addressed. However, he recommends that the committee not label the issue "relaxing" the center line requirements. He also noted that the committee needs to address single, riding abreast, groups – should "convoys" be allowed? Consider disruption of traffic as an issue. Jim Westmoreland wondered about the committee's ability to address the problem – certain, specific conditions should be outlined in framing the issue of crossing the center line. Kevin Lacy added that group rides are an aggravation issue while single riders are a bigger safety issue.

Jim Westmoreland suggested that the committee find out more about Ohio's regulations. He also suggested that Kevin Lacy and Steven Goodridge work together to develop a draft provision for allowing cyclists to cross the center line under certain situations.

A vote on this issue was not brought to the floor pending additional data from Ohio, and draft framework from Kevin Lacy and Steven Goodridge.

Jim Westmoreland opened up discussion on the safe passing distance issue. James Gallagher noted that giving a wider berth is better. If the committee is also talking about changing the center line rule then it would be appropriate to change the passing distance law to three feet. Steven Goodridge noted that it is more important to get cyclists to ride in the center of the lane and encourage vehicles to "change mode" – use adjacent lane to safely pass cyclists. This issue is more important than a two-foot or three-foot regulation. Kevin Lacy noted that it may be more important to exempt center line rule. Chris O'Keefe added that, in the real world, he doesn't know if the safe passing distance difference between the two-foot or three-foot regulations matter. James Gallagher added that the exemption would encourage drivers to give cyclists more room – he doesn't believe changing from two-feet to three-feet is what matters. Steven Goodridge expressed concern that suggesting a change from the existing two-foot rule to a three-foot rule would draw other questions from lawmakers about bicycling.

Jim Westmoreland suggested that the safe passing distance discussion be tabled for the remainder of the meeting.

(2) Whether bicyclists on a roadway should be required to ride single file or allowed to ride two or more abreast.

Steven Goodridge informed the committee that there is no existing law in place that restricts riding two or more abreast. Kevin Lacy noted that the law states only one vehicle is allowed in a lane at a time. Steven Goodridge questioned whether the law was specific to motor vehicles or vehicles. Fred Burt reminded the committee that their task is to make recommendations and not write laws. Steven Goodridge suggested that potential language could cite that cyclists may ride abreast in a way that is consistent with traffic laws. This wording would not limit the number of bicycles in a lane, but only require that they obey traffic laws. He also noted that limiting the number of cyclists riding abreast could cause misinterpretation by law enforcement due to pacelines/rotations. Chris O'Keefe added that problems come not from cyclists riding in pacelines/rotations, but from large, disorganized groups. Steven Goodridge added that it will be easier to enforce if restriction is on riding within a lane rather than on the number riding abreast. The width of the lane will dictate that number. It is difficult to make

a judgment about the number of cyclists riding abreast when pacing/rotation is occurring. Two abreast may become three abreast if the group is pacing/rotating. It is a matter of timing and perception that is difficult to nail down. Jim Westmoreland noted that the committee may need interpretation on the question – whether this is primarily a safety issue and does the law need to change? Lauren Blackburn also questioned whether riding abreast is a safety issue or an aggravation issue.

A vote on this issue was not brought to the floor due to outstanding questions regarding the number of vehicles legally allowed in a single lane.

(3) Whether bicyclists should be required to carry a form of identification.

James Gallagher noted that he could not find an example of other states that require cyclists to carry identification (ID). Fred Burt noted that for many reasons, including medical issues and general identification, it would be good to require cyclists to carry ID. Steven Goodridge added that there is no “Stop & Identify” law in North Carolina. Persons are required to give law enforcement factual information. Best practices suggest the cyclists carry ID, but a law requiring them to do so would have unintended consequences and could bring up civil liberties issues in court, if challenged. MT Chris Knox added that law enforcement has many different ways to obtain identification other than through driver licenses or IDs. The State now uses databases that can provide identification based upon many other factors such as tattoos, moles, scars, etc. These identity systems are linked to national databases. Jim Westmoreland noted that it would be difficult to create a system that would require all cyclists of all types to carry ID. This would include children and socially/economically disadvantaged cyclists. MT Chris O’Keefe noted that it would be difficult to enforce the law. He didn’t feel that it is a major safety concern and believed it would be a difficult issue to carry forward.

Jim Westmoreland recommended that the committee not carry this recommendation into the final report.

A motion not to pursue the issue was put forth by James Gallagher and seconded by Chris O’Keefe. Jim Westmoreland called for discussion, which included the following:

- Lauren Blackburn suggested that the committee provide reasons explaining why this item may not be included as recommended legislation in the final report. These include best practices by the cycling community; the diverse nature of cyclists, including children; and civil liberties issues.
- The group discussed the fact that pedestrians are not required to carry ID, so it would be difficult to require cyclists to do so. There was not unanimous agreement on this issue.

Jim Westmoreland called the issue to vote: The vote carried with seven in favor, and two opposed. Kevin Lacy was opposed to the motion and stated that the issue should not be dismissed just because children do not have identification. He believes that if someone has identification they should carry it. Fred Burt was opposed to the motion because he feels that it should be common sense to carry identification.

Following discussion of the three items from House Bill 232, Jim Westmoreland suggested that the committee continue with the discussion of the remaining 12 items identified during the August 7, 2015 committee meeting.

The group revisited the list of 12 items and consolidated the issues into the following list of priorities for discussion:

- 1) Visibility/Lights
- 2) Hand signals
- 3) Group rides – informal versus formal
- 4) Operating position in roadway
- 5) Use of headphones/texting while cycling

The group chose to discuss hand signals first. James Gallagher explained how current North Carolina laws require hand signals to include the use of the left hand to signal a right turn. Mr. Gallagher suggested adding the language “or right hand” to existing laws to allow cyclists to signal a right turn with their right arm. Without further discussion, James Gallagher put forth that motion. Steven Goodridge seconded the motion. The vote carried unanimously.

The group discussed visibility and lighting. Steven Goodridge noted that BikeWalk NC recommends requiring rear lights that are visible at 1000 feet. For rear reflectors, reflective light drops at a shorter distance than light – factory reflectors are inadequate. Mr. Goodridge shared a video from the BikeWalk NC website which compares rear lights and reflectors in nighttime conditions. Kevin Lacy shared a concern that such a requirement would apply to children riding their bicycles through the neighborhood. Lauren Blackburn shared her concern that lights providing visibility at 1000 feet can be expensive – some lights costing over \$100. She added that she recently purchased a new bicycle and the shop did not notify her of the inadequacy of factory reflectors. She believes bicycle stores could help educate cyclists about visibility needs.

Steven Goodridge noted that rear lights with 1000 foot visibility can be purchased for less than \$10. Jim Westmoreland added that best practices suggest cyclists should have front and rear lights – cycle shops should be educated to this fact.

James Gallagher put forth the motion that the committee recommend that rear lights be required on bicycles for nighttime riding. Steven Goodridge seconded the motion. Jim Westmoreland opened the floor for discussion on the topic. Jim Westmoreland called for a vote. The vote carried unanimously.

Fred Burt put forth a second motion for the requirement of a full reflective vest in addition to a light. There was not a second and the motion died.

Kevin Lacy put forth a third motion that a vest be allowed in lieu of a rear light. Lauren Blackburn asked for clarification on the size of the vest and the reflective surface. She suggested that the language should define a sufficiently large reflective, double-sided material in lieu of a rear light.

Kevin Lacy amended his original motion to include language that specifies a requirement for either a rear light or clothing/vest that is sufficiently reflective. Fred Burt seconded the motion. Jim Westmoreland called for a vote. The vote carried with six in favor and three opposed. Steven Goodridge, James Gallagher and Chris O’Keefe were opposed to the motion due to issues that included the cost of a vest/reflective material and the sufficiency of a stand-alone rear light requirement.

Lauren Blackburn will contact the Attorney General’s Office for assistance in creating language for the approved recommendations.

The next committee meeting will be held on either October 6 or October 8, 2015. Lauren Blackburn will coordinate schedules and send out a meeting notice.

Jim Westmoreland noted that all business on the agenda had been covered and suggested a motion for adjournment. Kevin Lacy put forth the motion to adjourn which was seconded by James Gallagher. There was not opposition to the motion.

Jim Westmoreland called the meeting to an end at 2:35 pm.

Summary of actions taken by the committee:

- 1) The committee approved meeting minutes from the August 7, 2015 committee meeting.
- 2) The committee tabled a vote regarding overtaking bicycles on roadways where sight distance is sufficient pending the following additional information: 1) Steven Goodridge will research the bicycle laws in Ohio, 2) Kevin Lacy and Steven Goodridge will prepare draft recommendations for permissible behavior as it relates to crossing the center line of a roadway.
- 3) The committee tabled a vote on riding two abreast pending information from Kevin Lacy who will look into current North Carolina traffic laws regarding limitations on the number of vehicles allowed in a single lane.
- 4) The committee tabled the issue of the 2-foot versus 3-foot safe passing distance pending resolution of the permissible behavior as it relates to crossing the center line.
- 5) The committee voted not to carry forward the requirement of cyclists carrying identification.
- 6) The committee approved carrying forward language adding "or right hand" to existing laws to allow cyclists to signal a right turn with their right arm.
- 7) The committee approved carrying forward language that specifies a requirement for either a rear light or clothing/vest that is sufficiently reflective.